

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Richard A Leslie Co., Inc.,

Plaintiff,

DECLARATION OF JEFFREY
SONNABEND

v.

07-cv-5933 (LAK)

Birdie, LLC, and Golfsmith International
Holdings, Inc.,

Defendants.

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I, Jeffrey Sonnabend, hereby declare the following:

1. Attached hereto as Exhibit 1 is a true and correct copy of a listing of Richard A. Leslie Co., Inc. federal trademark registrations (live and canceled) and pending applications.
2. Attached hereto as Exhibit 2 is a true and correct copy of a listing of Birdie LLC federal trademark registrations and pending applications.
3. Attached hereto as Exhibit 3 is a true and correct copy of Trademark Office records for Richard A. Leslie Co., Inc.'s canceled "Birdie" registrations.
4. Attached hereto as Exhibit 4 is a true and correct copy of a printout of a web page from Defendant Golfsmith LLC's website.
5. Attached hereto as Exhibit 5 is a true and correct copy of the office actions refusing registration of Defendant Birdie LLC's applications for registration of the mark "Birdie" in various forms.
6. Attached hereto as Exhibit 6 is a true and correct copy of the complaint in the present case.

I swear under penalty of perjury that the foregoing is true and correct, except as to those statements made upon information and belief, which I believe to be true and correct.



Jeffrey Somabend

Date: September 7, 2007